

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
PIAGGIO GROUP AMERICAS, INC.,	:	
	:	
Plaintiff	:	Civil Action No.
	:	
v.	:	
	:	
MACH 1 GLOBAL SERVICES INC.,	:	
	:	
Defendant.	:	
	:	
-----	X	

**DEFENDANT MACH 1 GLOBAL SERVICES INC.’S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Mach 1 Global Services Inc. (“Mach 1”), through its counsel, hereby respectfully files and serves this Notice of Removal removing this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, and states as follows:

1. On September 21, 2021, Plaintiff Piaggio Group Americas, Inc. (“Plaintiff”) filed a Summons and Complaint in the Supreme Court of the State of New York, County of New York, styled *Piaggio Group Americas, Inc. v. Mach 1 Global Services Inc.*, Index No. 655600/2021 (the “State Court Action”). A copy of the Summons and Complaint filed in the State Court Action is attached to this Notice of Removal as **Exhibit A**.

2. Plaintiff served the Summons and Complaint using a method of service set forth in New York Business Corporation Law § 307 that requires several steps. On October 26, 2021, Plaintiff commenced serving the Summons and Complaint by delivering the Summons and Complaint to the New York Secretary of State. On November 2, 2021, Plaintiff mailed the Summons and Complaint by registered mail to Mach 1. Plaintiff filed copies of the Affidavit of Service and Affidavit of Mailing on the New York E-filing system (“NYSCEF”) on November 15,

2021. A copy of each of the Affidavit of Service and Affidavit of Mailing are attached to this Notice of Removal as **Exhibit B**.

3. This Notice of Removal is therefore timely as it is filed within 30 days of Mach 1's receipt of the Summons and Complaint by service. *See* 28 U.S.C. § 1446(b).

4. Exhibits A and B to this Notice of Removal are all of the process, pleadings, and orders that have been served on Mach 1 in the State Court Action. Prior to filing this Notice of Removal, Mach 1 made no answer or pleading in the State Court Action.

5. Removal of the State Court Action to this Court is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (diversity jurisdiction).

6. Under 28 U.S.C. § 1332(a), federal district courts have original jurisdiction over any civil action in which the matter in controversy exceeds \$75,000 and is between citizens of different states.

7. Removal of the State Court Action under 28 U.S.C. § 1332(a) is proper here because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of costs, interest, and attorneys' fees. Specifically:

- a. The amount in controversy exceeds the \$75,000 threshold requirement under 28 U.S.C. § 1332(a) because Plaintiff's Complaint demands at least \$278,323.48 in damages, exclusive of costs, pre- and post-judgment interest, and attorneys' fees.
- b. Plaintiff is a Delaware corporation with its principal place of business in New York. Therefore, Plaintiff is a citizen of Delaware and New York.
- c. Mach 1 is an Arizona corporation with its principal place of business in Coppell, Texas. Therefore, Mach 1 is a citizen of Arizona and Texas.

8. Under 28 U.S.C. §§ 1441(a) and 1446(a), a defendant may remove a state court civil action to the district court within which such action is pending. Venue for this Notice of The Supreme Court of the State of New York, County of New York is located in the Southern District

of New York. *See* 28 USC § 112(b). Therefore, the State Court Action may be removed to this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a).

9. Mach 1 is the only defendant in the State Court Action, and as such Mach 1 is the only Defendant that has been served or otherwise appeared.

10. Mach 1 will give written notice to Plaintiff of this removal and will promptly file a copy of this Notice of Removal with the Supreme Court of the State of New York, County of New York, Index No. 655600/2021, as required by 28 U.S.C. § 1446(d). A copy of the Notice to be filed in the State Court Action is attached to this Notice of Removal as **Exhibit C**.

11. In compliance with Fed. R. Civ. P. 7.1, Mach 1 is contemporaneously filing herewith its Corporate Disclosure Statement.

12. Mach 1 reserves all rights, claims, and defenses, including, but not limited to, defenses based on service of process, jurisdiction, and venue.

Dated: November 24, 2021  
New York, New York

Respectfully submitted,

**BENESCH, FRIEDLANDER, COPLAN  
& ARONOFF LLP**

/s/ Edward C. Wipper

Edward C. Wipper (EW 6140)

17 State Street, Suite 4000

New York, New York 10004

Telephone: 646.593.7051

Facsimile: 646.798.8902

Email: EWipper@beneschlaw.com

Marc S. Blubaugh (*Pro Hac Vice* Forthcoming)

Abigail R. Riffie (*Pro Hac Vice* Forthcoming)

41 South High Street, Suite 2600

Columbus, Ohio 43215

Telephone: 614.223.9300

Facsimile: 614.223.9330

Emails: mblubaugh@beneschlaw.com

ariffie@beneschlaw.com

*Attorneys for Defendant Mach 1 Global Services  
Inc.*